

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DATE: 3/25/94

(Filing No. H-938 )

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1352, L.D. 1818, Bill, "An Act to Establish the Right of Grandparents to Act as Foster Parents for Their Grandchildren"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Rights of Grandparents in Child Protection Proceedings'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 22 MRSA §4005-B is enacted to read:

§4005-B. Grandparent's right to standing and intervenor status in child protection proceedings

1. Definition. For the purposes of this section, "grandparent" means the biological or adoptive parent of the child's biological or adoptive parent. "Grandparent" does not include the parent of a child's parent who consented to adoption or whose parental rights have been terminated.

2. Petition. A grandparent of a child may petition the court for standing and intervenor status in any child protection proceeding under this chapter. The standing and intervenor status is limited to that proceeding unless otherwise ordered by the court.

2 3. Criteria. The court shall grant standing and intervenor  
3 status when the court finds that the grandparent has an existing  
4 relationship or has made sufficient effort to establish a  
5 relationship with the child, that that status would be in the  
6 best interests of the child and that that status would also be  
7 consistent with the purposes of this chapter as set forth in  
8 section 4003.

9  
10 4. Request for placement. In any proceeding when standing  
11 and intervenor status have been granted, the grandparent may  
12 request the court to order that the child be placed with the  
13 grandparent. In making a decision on the request, the court  
14 shall give the grandparents priority for consideration for  
15 placement if that placement is in the best interests of the child  
16 and consistent with the purposes listed in section 4003.'

### 18 STATEMENT OF FACT

20 This amendment replaces the bill. It requires a court to  
21 grant standing and intervenor status to a grandparent if:

22  
23 1. The grandparent has an existing relationship or has made  
24 sufficient effort to establish a relationship with the child; and

25 2. The status would be in the best interests of the child  
26 and would be consistent with the purposes of the child protective  
27 laws.  
28

29  
30 If the court grants standing and intervenor status, a  
31 grandparent may request that the child be placed with the  
32 grandparent and the court is required to give the grandparent  
33 priority in placement if it is in the best interests of the child  
34 and consistent with the purposes of the child protective laws.